

CHAPTER 11  
ASSET ALLOCATION AND OWNERSHIP

**751—11.1(8D) Ownership of the Part I and Part II equipment.** All of the facilities, cable, optronics and other equipment and replacements thereof installed to operate and maintain as Part I and Part II sites are property of the state of Iowa unless the equipment was purchased by a regents institution or a state agency. The commission and the state of Iowa do not own the interconnect from the fiberoptic termination site to the classroom nor any of the equipment or furnishings located within the video classroom. The commission has the duty to maintain all aspects of the telecommunication facilities, cable, optronics and other equipment and replacements thereof if these items are attached to Part I and Part II sites. The equipment purchased by the regents is subject to separate agreements between the commission and regents and those agreements will govern ownership and maintenance of the equipment purchased by the regents, this rule notwithstanding.

**751—11.2(8D) Access defined.** For the purpose of this chapter, access means those persons or entities allowed to enter the fiberoptic termination site room and place equipment or other items in the fiberoptic termination site room.

**751—11.3(8D) Access to fiberoptic termination site room.** For Part I and Part II fiberoptic termination sites, the commission shall determine which entities shall have access to the fiberoptic termination site room and shall notify each authorized facility in writing as to the extent and nature of equipment placement in the fiberoptic termination site room or as otherwise allowed by written agreements in existence prior to December 1, 1996, or by state or federal law. Unauthorized equipment will be disconnected from any connections contained in the fiberoptic termination site room after 30 days' written notice to the owner sent by certified mail return receipt requested from the commission advising the owner that the presence of its equipment in the fiberoptic termination site room is unauthorized. Unauthorized equipment must be removed by the equipment owner within 90 days of written notice sent by the commission to the owner. If the equipment is not removed within this time period, the commission will remove the equipment and charge the owner the cost of the removal. When a commission fiberoptic termination site room is co-located in shared use facilities, the commission will negotiate an agreement with the authorized user that determines which entities have access and the procedures for access. Preexisting agreements (before December 1, 1996) for commission equipment placement between authorized users and the commission (or the department of general services) will be honored. The commission and authorized users may negotiate new agreements for equipment placement.

**751—11.4(8D) Access to fiberoptic termination site room for Part III.** For Part III sites, the commission shall determine which entities may have access to the fiberoptic termination site room at the site in a manner consistent with written agreements in existence prior to December 1, 1996, or state or federal law.

**751—11.5(8D) Authorized connections to the network.** The commission shall have the sole and exclusive authority to determine whether any person or entity may use the commission's point of presence sites to connect in any location in the state where the commission has established a network connection as otherwise permitted by state or federal law. In the event the commission determines that some other person or entity has attempted to connect to a network location, the commission may demand removal of the unauthorized equipment within 90 days upon written notice to the owner of the equipment. In the event the equipment is not removed within 90 days, the commission may disconnect the equipment at the owner's expense and prevent any further connectivity pending a hearing in conformance with 751—Chapter 4 to determine whether the use of the network's site is appropriate.

**751—11.6(8D) Power source to the fiberoptic termination site room.** The authorized facility shall maintain a constant source of power and adequate heating and cooling for the fiberoptic termination site room and for the equipment contained therein.

This chapter is intended to implement Iowa Code section 8D.3.

[Filed 3/21/97, Notice 1/15/97—published 4/9/97, effective 5/14/97]